REMARKS

Applicant thanks the Examiner for his careful consideration of this application and for the helpful interview held on April 3, 2008 (summarized below). Reconsideration of this application is respectfully requested in view of the above amendments and the following remarks.

Prior to presenting the substantive remarks, Applicants would first like to present a summary of the above-mentioned interview. This interview was held at the U.S. Patent and Trademark Office on April 3, 2008. It was attended by Examiner Shannon Brooks, Supervisory Patent Examiner Nick Corsaro, and Dr. Jeffrey Gluck, Applicant's undersigned representative. During this interview, the Suzuki et al. reference (U.S. Patent No. 5,903,843) was discussed, in relation to the various independent claims and the Examiner's interpretations of their terminology. Possible amendments to the claims were also discussed.

Upon entry of the above amendments, Claims 1-3, 5-13, 15-36 and 38 are pending in the application. Claims 4 and 37 have now been cancelled (Claim 14 was previously cancelled). Claims 1, 5-7, 9-13, 15-17, 19-21, 25, 26, 28, 30-36, and 38 have been amended. No new matter has been added, and it is respectfully submitted that all amendments are supported by the specification as originally filed.

The Office Action rejects Claims 1-4, 12, 13, 15-18, 25-28, and 35-37 under 35 U.S.C. § 102(b) as being anticipated by Suzuki et al. (U.S. Patent No. 5,903,843). Also, Claims 5-11, 20, 21, 31, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. in view of Elliot (U.S. Patent No. 6,937,747). Additionally, Claims 19 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (WO 02/17668) in view of Vedrine (WO 01/86889). Finally, Claims 22-24, 29, 33, 34, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. in view of Parantainen et al. (WO 02/17668). The rejections of Claims 4 and 37 are rendered moot by their cancellation. The remaining rejections are respectfully traversed for at least the following reasons.

While various independent and dependent claims contain various elements, Claim 1 will now be discussed in detail. It is respectfully submitted that various arguments with respect to Claim 1 are also applicable to various elements of other claims.

Claim 1, as amended, recites:

A method for a system comprising a communications device and a communications network, the method comprising:

allocating, by the communications network, at least a direct cell access channel for the communications device for uplink access to the communications network, the direct cell access channel to permit the communications device to directly start sending user data on the direct cell access channel without requesting access resources when user data is available to send;

providing an alternative uplink transmission mechanism for the communication device to send data to the communications network if the direct cell access channel cannot be provided;

determining by the communications network whether the direct cell access channel is available for use at a given time; and

providing the communications device with a periodic indication of the availability for use of the direct cell access channel.

First, Claim 1 includes the recitation that a communications network allocates to a communications device at least a direct cell access channel and an alternative cell access mechanism and that the direct cell access mechanism enables the communications device to directly start sending user data on a traffic channel without requesting access resources when user data is available to send. It is respectfully submitted that Suzuki et al., on which all of the rejections listed above are based, fails to disclose or suggest such features.

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Consider the rejection of Claim 1 at pages 5-6 of the Office Action. The Office Action asserts that these claim elements, as well as the last element of Claim 1 prior to amendment ("determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided") are disclosed at col. 2, lines 48-56, col. 4, lines 47-59, and col. 5, line 17 to col. 6, line 45.

With regard to these sections, Applicant believes that col. 2, lines 48-56, which discuss how a base station may assign traffic channels without communicating with another base station or control station, is not relevant to the subject matter of Claim 1, as amended.

Next, col. 5, line 17 to col. 6, line 45 will be addressed. Col. 5, lines 17-56 describes procedures to be carried out by a mobile station 300-B. In particular, as noted at lines 24-40, the mobile station receives signals from other base stations (200-N, etc.) and determines whether or not the channel that was selected for mobile station 300-B by base station 200-B, as a *candidate* channel, can be used for communicating or not. *Note that it is the mobile station, not the base station, that determines availability of the traffic channel selected by the base station.* Hence, even if the selected channel is a direct cell access channel, which Applicant disagrees with (Applicant notes that several portions of Suzuki et al., for example, Fig. 16, step 601, indicate that channels are requested), Suzuki et al. fails to determine if, at a given time, communication over the selected channel can be provided.

Continuing, col. 5, line 56 to col. 6, line 45 address Fig. 4 and discuss a First Available (FA) traffic assignment method that may be used by the base station 200-B, based on received signal strength levels. See, e.g., col. 5, lines 56-60. As noted at col. 5, lines 61-62, this method is executed "when a call (or request to assign an available channel) is generated." In contrast, the claims require that the direct cell access channel be allocated to permit uplink data transfer

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without requesting access resources. Here, too, Suzuki et al. fails to disclose an element of the claims.

Col. 6, lines 1-19 address the rest of the method of Fig. 4, as the base station 200-B goes through the various traffic channels, measuring received signal strength on each channel, in turn, until it finds a channel that can be selected. However, it is possible that no channel can be selected, noting lines 15-19. This, too, supports the idea, stated in the immediately preceding paragraph, that channels in Suzuki et al. are not *allocated for direct access without the necessity of a request*, but are, rather, provided upon request.

Col. 6, lines 20-35 discuss, again, how the mobile station 300-B measures received signal strength on the selected channel (if any) and lets the base station 200-B know if it can be used or not. Again, the *mobile station*, not the base station, *determines whether a selected channel can, at a given time, be provided* (in contrast to the claims, in which the communications network determines and indicates to the communications device if the direct cell access channel can be provided).

Finally, col. 6, lines 36-45 discuss how the above processes are repeated if the mobile station *tells the base station that it does not have permission* to use the selected channel as a traffic channel. It is also stated, at lines 36-40, that "[i]f the response signal from the mobile station 300-B indicates the permission to use of the candidate for assignment channel (step 405), the base station 200-B starts talking by use of the candidate for assignment channel as a traffic channel." This reflects the fact that it is the *base station*, and not the mobile station, *that has data and is awaiting the opportunity to transmit to the mobile station*, and not *vice versa*. In other words, in Suzuki et al., while the base station selects a channel, the mobile station makes the decision as to whether to provide the channel (i.e., to decide whether or not it is available) for

downlink data transfer. This makes the processes in Suzuki et al. altogether irrelevant to the present claims.

Col. 4, lines 47-59 merely provide a higher-level discussion of similar subject matter.

Applicant further notes that several of the claims, including Claim 1, have been amended to recite that the indication as to whether or not the direct cell access channel is available for use by the communications devices is sent *periodically*. Applicant finds no disclosure or suggestion of such a periodic indication in Suzuki et al.

In view of the above, it is respectfully submitted that Suzuki et al. cannot anticipate any of the claims and that all of the claims are allowable over Suzuki et al.

Furthermore, Applicant has reviewed the other cited references (Elliot, Parantainen et al., Vedrine), and it respectfully submitted that none of these additional references remedies the shortcomings of Suzuki et al.

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

Conclusion

Applicant believes that the above amendments and remarks address all of the grounds for rejection and that the application is in condition for allowance. Applicant, therefore, respectfully requests prompt and favorable consideration of this Amendment and Reply and reconsideration of this application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-00432-US from which the undersigned is authorized to draw.

Should the Examiner believe that a consultation would aid the prosecution of this application, the Examiner invited to contact Applicant's undersigned representative at the telephone number shown below.

Dated: April 8, 2008   Respectfully submitted,

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